

REFLECTIONS

MORAL and POLITICAL

ON

GREAT BRITAIN

AND HER

COLONIES.

By J. M. Mathew Whelock

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P R E F A C E.

THE author of these reflections lives generally in the country, which has prevented his seeing many treatises on the present disputes between Great Britain and her colonies; it is therefore likely, that some of his arguments may have already appeared in print, (as the same objects will naturally occasion similar ideas in different persons) but he avers, that he has not taken any thing from the works of others *knowingly*.

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The good of the whole British empire is what he aims at: the colonies of course must come into consideration; which has obliged him to hasten his work, that it may be printed before the parliament decides what shall be done in regard to them. He therefore hopes, that some slight inadvertencies may be forgiven, on account of haste.

Having lived many years in America, he believes he is well acquainted with the manners prevalent in most of our colonies, as well as those which are in use at home. That there are faults in both, he supposes, will be readily admitted; if any observation of his can contribute to the amendment and happiness of his fellow citizens, his
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great end in writing will be answered.

His opinion of the house of commons is, that though the counties, certain cities, ports and boroughs, have the nomination of the members, yet the members when chosen, immediately become *senators of the publick*, without any respect to locality. They may indeed support the interest of the particular place which elected them, *so far as that interest is consistent with the good of the whole, but no farther.* When constituents direct their members which way to vote, it is certainly judging without hearing the other side of the question; and supposing, that the representative's conscience and zeal for the publick, should be governed by
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the opinions of the constituents; a point to which no man of virtue would ever agree. By considering the members of the house of commons as *senators of the publick*, we may conceive them to be (in a certain degree) the representatives and guardians of all British commoners, wheresoever dispersed. It is indeed to be hoped, that some time or other, a better mode of election may be established to make the representation more equal, but till that happens we must abide by the present regulations, and support the dignity and authority of the house of commons, (the palladium of our liberties) though the method of forming it is not perfect.

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REFLECTIONS

MORAL and POLITICAL.

PART I.

AMONG all the errors to which mankind is subject, none are more dangerous than those which arise from excellencies or virtues *misunderstood*. As surely as an excessive generosity will destroy a great fortune, or an extream frugality will annihilate the enjoyment of riches, so surely will an unlimited exercise of liberty destroy that *reasonable liberty*, which is alone consistent with *society*.

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In the present disputes then on *liberty*, it seems highly necessary to understand, what should be meant by the word. Mankind is certainly formed for society, and could hardly exist long without it. We must therefore consider that degree of liberty, which men may enjoy in society.

Now the nature and prime end of *society*, is the preservation and advantage of all its members *equally*, so far as the nature of things will permit. We are not in general sensible of the benefits we derive from society, till we happen to be deprived of them; but by reflection, we may easily conceive the happiness we enjoy beyond what is attainable by solitary savages. Whilst the savage is in pursuit of food, he doubts whether wild beasts may not have destroyed his wife and children during his absence, or that some other wandering savage may have carried them off; if he chances to be sick or wounded, he apprehends his little ones will perish before he shall recover strength to procure them food, and that his death will be the certain occasion of theirs. A person who lives in society, is free from these racking considerations; the society is the sure guard of his

his family in his absence or sickness, the defender and preserver of his wife and family in case of his death; his property is on the same footing. If then a good man would lay down his life in the defence of his wife and children from one single evil, he ought to do the same for the society which guards them from all, and at all times.

If then a man owes his life to the good of the society, he certainly owes affection and obedience; and the society owes him protection, with the allowance of every liberty that may be consistent with the good of *the whole*.

The strength of every society, is the strength of every individual united; if these individuals were allowed to fight among themselves, every one that fell would be a diminution of the publick strength: from hence one of the first laws of society is, that whatever disputes may arise among individuals, they shall not be at liberty to decide them by force, but submit them to the decision of the society, or of that power which the society has appointed for such purposes.

To obviate a number of complaints, and to establish order, the society enacts certain laws,

conformable to the situation, climate, and circumstances of the country it inhabits; that the subject may know what he is *to do*; it also declares, that murders, rapes, &c. shall be punished with death, other crimes of less malignity with banishment, &c. that the subject may know what *he is to avoid*.

It is impossible for laws to curb every species of fraud or violence; the direct objects of human laws are actions, and actions of some moment, with a consideration of the *intent*, so far as it may be gathered from circumstances and probabilities, which are often defective or ambiguous.

To prevent the infinite differences that may arise between men, nothing is so effectual as morality, which not only binds the minds of men more firmly to the publick good, but also attaches them to the welfare of every individual. It is the only natural cause of confidence between man and man, and consequently the only sure band of society.

If then morality is indispensably necessary for the good of the society, it follows, that liberty must be enjoyed in such degrees only,
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as morality prescribes. Now justice is the chief part of morality. The golden rule of *doing to others, as we think would be just if done to ourselves in similar circumstances*, is an idea which seems innate to mankind, at least it is no sooner proposed than assented to by all people. It is true, it is often transgressed through the passions of men: and these transgressions have created the necessity of penal laws, to deter delinquents by fear of punishment, since their passions are too strong for their virtue, and unjustly detrimental to others. Penal laws are then so many supplements to the want of morals, but they do not promote morality. It is the mind and intention that constitute the moral man, which human laws cannot directly reach; yet states have the means of great influence over the minds of men, by a steady and judicious distribution of honour and disgrace. The generality of mankind have not time (nor have all capacity) to form their conduct in life from the study of Ethicks: but they observe, that such and such manners procure credit and esteem, and that a contrary behaviour produces contempt. If virtue is the means of acquiring respect and consideration, they naturally follow it, and bring up their children

children in the same way: if riches are the only road to preferment, they naturally take the shortest way to obtain them, *viz.* by fraud, and by every indirect method not particularly guarded by law. In such circumstances their study would be, not how they should obey the laws for the publick good, but how they should evade them for their private advantage: there would be little confidence between men, because each would regard his neighbour as a rival, desirous of over-reaching him; and the publick liberty would soon fall, when there was no union among the supporters of it. In case of general corruption, our laws would become useless, being founded on the supposition, that every citizen is virtuous, unless there is positive proof to the contrary. One of our great privileges is that of being tried by a jury of our peers; if these peers were generally supposed capable of being corrupted, who would ever contest a cause against a rich man? The only reasonable confidence an Englishman has then for the security of his life and property, is the justice of his cause, and the integrity (i. e. the morals) of the jury. If we consult history, we shall find of what consequence the ancients thought morals by their making them the principal

principal part of education even from childhood. Their laws corrected immorality so far as laws could operate consistent with liberty; and where laws could not reach, they even gave up part of their liberty to preserve morals, (for on this was founded the authority of the Areopagites among the Athenians, of the Ephori at Sparta, of the Censors at Rome).

The chief remains of this kind of moral jurisdiction among us, are the thanks or censure of the House of Commons, together with the expulsion of such of their own members as appear unworthy: Take away this power, and vice (except crimes specified by law) has no check, but publick opinion. If the House of Commons was to be over-ruled by either, or both the other branches of the Legislature in matters relating to its own members, it would immediately fall into contempt, and the dignity of every British commoner, would fall in like manner.

I believe it will from hence follow, that liberty is not endangered, but on the contrary, rendered more firm and permanent, when regulated

gulated by morality; and consequently, that there is no real cause of fear for liberty, from a late expulsion, resolved upon in an assembly representing all the Commons of Great Britain, after a legal conviction of crimes.

From the noise however that has been made about it, and some accidents, which formerly would only have been looked upon (in their true light) as casualties, it seems there was a disposition to complain; and where that is the case, men catch at the first shadow of a reason to express their dislike. Few common people are capable of comprehending the various interests which must interfere in so extensive an empire as that of Great Britain; and each would have his own preferred in particular. The Parliament must arrange them in such manner as may best contribute to the good of the whole. There is also a great public debt to be discharged, and taxes are the necessary consequence.

There may be also some of our laws, which though well designed at first, yet by the introduction of new manners, and change of circumstances, may have eventually soured the disposition

disposition of many people, corrupted their manners, and prepared that spirit of discontent which now shews itself.

If morality is necessary for the well being of the subjects *inter se*, it is no less so for the state itself, to comply with the duty of justice, by punctually paying its debts when they become due ; this is much more easily done when there is plenty of money in the country, than when it is scarce. To discharge then the national debt in the easiest manner to the subject, the state encourages commerce, so far as it is of use to the publick, and must guard against the abuses of it in the best manner it can. Commerce in itself is not repugnant to morality, but it exposes the practitioners to so many temptations, and attaches their minds so habitually to their own private interest, that there is the less delicacy to be expected from them in respect to the publick. Hardly any one follows trade but in the hope of making a fortune speedily, and then leaving off ; and from hence, traders are very apt to prefer a present advantage of their own, to what may be serviceable to trade in general at ten years distance, before which time they hope to have

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completed their fortune; on the contrary, 'tis the interest of the publick to make the trade itself permanent. The interests of merchants then, are often opposite to those of the publick; for these reasons merchants should be heard and supported in what is for the publick good, and considered as very useful subjects, whilst they act consistent with the publick advantage; but should have no weight as a body in what regards the constitution and dignity of the state.

Since riches are in some measure necessary for us, we must be content to take them with their inconveniencies of luxury and avarice. 'Tis hardly possible to obviate all the ill consequences that wealth brings with it without hurting liberty; some of them have been creeping upon us by degrees these many years, which were probably not foreseen at the beginning. If I was to fix on the time when riches began to do us most injury, I should place it in the year 1709, when an act was made to shut every one out of the House of Commons, who had not 300 l. per annum in land, the members for Scotland, and the two Universities, excepted. This
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was in effect giving honour to wealth, and had the appearance of computing the abilities and integrity of the English, by their possessions. I know very well that the Athenians and Romans required a certain fortune in their senators: but that institution was checked by another, viz. that they were to undergo a strict examination as to their abilities and moral conduct. They enquired not only into their estates, but also by what means they increased or diminished them; they also required a certain age, or the having passed through some publick employments with credit, as a qualification in their senators; so that their characters were well known before they were admitted. Take these qualifications all together, and they amount to probity, experience, ability, and wealth; the citizens had consequently the greatest confidence imaginable in a senate so composed. Our form of government, and the extent of it, do not give the same opportunities of knowing the true characters of men, but when the Parliament, in 1709, followed the ancients in respect of wealth, it is to be wished it had gone a step farther at least in respect to age. *

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* It would be of great use in many different respects to make it necessary for a man to be of the age of five and twenty before he could take his seat in either house of Parliament.

The most probable reason for making riches a qualification in senators, is, that having an assured subsistence, they may be able to employ their whole time and attention in the discharge of their public duty, and that their estates may be a sort of security to the publick in case of misbehaviour. These were the chief advantages proposed by the law, as we may suppose, (for it has no preamble) to which may be added, the exclusion of the favourites of the mob, who might, in time of faction, be returned as members.

There is another law, respecting pecuniary qualification, which bears hard both on liberty and property, and is almost daily put in force, and whose chief object is of no great use to the publick, I mean the game-act. Let us see now the inconveniencies which have arisen from these regulations, and how the common people, that is, the bulk of the nation, are affected thereby.

In the time of Henry the VIIIth the nobility (who had been led into vast expences by attending that king to France, and by following the extravagant fashions of his court) were

were obliged to sell part of their lands, for payment of their debts: many of the church lands were also sold, both which fell chiefly into the hands of commoners, as the nobility in general were unable to purchase. This occasioned a new set of gentry in most parts of England, who having no ancient patrimonial interest in the county, endeavoured to make themselves esteemed by their new tenants and neighbours; this naturally procured them influence among the freeholders. The old families, (which used to carry every thing before) would not be out-done by the new comers, and this contest naturally produced good effects for the common people; every one was then estimated, not according to his rent, but the influence he possessed, which chiefly depended on character.

Old tenants were looked upon as clients to the family, and treated accordingly; the tenants looked upon their landlord as their friend and patron; and all the neighbourhood ran to the great house, either for assistance or advice. The gentleman generally residing on his estate, his behaviour was the model, on which the freeholders, yeomen, copyholders, and

and farmers formed theirs: The common people followed of course; what alteration the civil war might make in the days of Charles the Ist. or the debauchery of the reign of Charles the IId. I cannot say, but am apt to think they did not alter the manners of the country in general.

But when the right of standing to represent a county was vested in those only who had 600 l. a year, the scene was changed: the lesser sort of gentry were thrown out of the question, or were only of use as subordinates: then every one endeavoured to make the most rent he could of his estate: influence or good opinion was of little use, unless it was influence in a borough: the rents were raised, and the old tenants turned off, unless they would give the utmost the lands would bring. Within these thirty years it has become a practice to throw several little farms into one great one, to save the expences of buildings and repairs: the former occupiers of these little farms are dispersed, or become labourers to the great farmers. Nor is there any friendship subsisting between the landlord and his great farmer; they stand on the
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hostile footing of debtor and creditor; sure on both sides, that the landlord keeps his present tenant only because he cannot get another so advantageous, (security, and perhaps a vote included) and that the tenant will do as little for the estate as possible consistent with law: the farmer's sons and family go on in their father's steps; as they are pressed in point of rent, they also oppress their servants and labourers, who of course become equally voracious and rapacious.

The game-act is also a law of exclusion to every one but the lords of manors, and possessors of 100 l. a year; this, with the fish-act, has, in effect, forbid every body to amuse themselves in the country who has not 100 l. a year in land; nay worse, it has seemingly (but I hope not in fact) given a power to the lords of manors to take away the property of other subjects by *violence, and for their own use*. Our laws (I believe) do not allow the exercise of civil power (except that of detaining) to any subjects, but those who derive it either immediately, or remotely, from the crown; manors are bought and sold every day. Before the year 1709, when it was customary for gentlemen

gentlemen to *reside* upon their estates, and their moral character was of greater use to them, the game laws were employed chiefly against poachers and thieves; and consequently did not affect the generality of tenants; on the contrary, the tenant was glad to preserve the game for his landlord's amusement, and occasionally for his own. At present the case is altered; no gentleman can live comfortably in the country who has not 100 l. a year in land, let his fortune be what it will in other respects; the rewards, always ready to be given to informers (of this kind) have produced treachery and distrust among the common people, and have probably driven numbers of the middling sort out of the country, whose fortune was under that sum. By the departure of these middling people, many small freeholds have been set to sale, which from the disadvantages of the game-laws, bad neighbours, &c. were of little value to other purchasers, but very good bargains to the lords of manors. From hence if we look some forty years back, we shall find in every county that landed property has been constantly drawing into fewer hands. When I impute the accumulation of estates to the qualification acts, I do not say they
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they are the *sole* causes; other laws and customs have co-operated with them; for instance, the marriage-act, &c.

Within these 30 years there were still many checks on vice in the country, by a number of small freeholders who lived on their estates, and many copyholders. To this sort of people, character was extremely necessary; and their behaviour was naturally imitated by the common people, to whom they were generally assisting in case of sickness, or of disputes in law. Since that time, the freeholders are much diminished; and the copyholds have seldom been renewed, but as they fell into the lord's hands, have been set at short leases, or at rack-rents.

The diminution of freeholders has brought on another great inconveniency, viz. the want of proper people to serve as justices of the peace. The great possessors of land seldom reside long in the country; to supply the deficiency, the clergy are frequently inserted in the commission. There is an apparent difference between the divine and human laws. A clergyman, *as minister*, tells his parishioner that he must for-

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give injuries ; as *justice of the peace*, he tells him he must prosecute them ; and if the complainant refuses, he must, in some cases, compel him. I do not say, that there is a *real opposition* between christianity and our laws, but the same person acting in both departments is detrimental to one at least. The business of the clergyman is to advise, reprove with mildness, convince, and persuade, (the only methods, *with example*, to make people virtuous). To execute this duty effectually, he should be on terms of friendship with all the parishioners. The office of justice must unavoidably embroil him with many families, since (to execute it faithfully) he must give trouble to some of them, their children, or relations.---Behold a party against him ! his conduct, both as minister and justice, arraigned !---The people dare not apply to him as a counsellor, or mediator, on some occasions, in which, perhaps, as a justice, he would be obliged to commit both parties. I purposely omit other evil consequences, because I believe the clergy, in general, do not act as justices through inclination, but merely to make up the deficiency of the laity.

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If this is the true state of things, it appears that the common people are now in a worse situation than their fathers were, not from any new laws, (except, perhaps, the marriage and fish-acts,) but from the change of manners and customs, which have eventually proceeded from old ones. They are uneasy, but not disaffected; the more simple are ready to catch at, or be caught by, any thing that bears the name of LIBERTY. Others, more sensible, do not give into these wild notions; but as they see nothing likely to be of real service, nor any thing that threatens immediate danger to liberty, they are not anxious about the event; and yet perhaps there never was a crisis in which the rights, the honour, dignity, and treasure of Great Britain were more at stake, than at present.

This parliament and ministry have been vilified by all means possible, because they have supported the pre-eminency of Great Britain over her colonies, and would oblige them to contribute to the publick expence, which lies at present on Great Britain. The colonists do not approve of this, and threaten us with

the loss of trade, if their extravagant and unjust demands of exemption from parliamentary taxations, are not complied with: from hence the trading people are alarmed; the fear of losing a present advantage makes them overlook the evils that are more remote. The colonists, by their emissaries, keep this apprehension alive, and by applying the words of ancient laws to their own case, (which is totally different from the objects which those laws had in view) have made many believe that they (the Americans) have been unjustly treated.

As this parliament came to resolutions last sessions to support the dignity and authority of the parliament of Great Britain over all British subjects, they (the colonists and traders) cannot expect to carry their point whilst this parliament subsists; they, therefore, desire a new one; in which they hope to get several of their friends elected, in order to allow the colonists to do as they please; the result of which would be, that the burthen of all public debts and charges of government should lie on Great Britain alone.

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To effectuate this, the merchants have influenced the traders and manufacturers in the country, to sign petitions for a dissolution of parliament; but as the interest of the traders would not be sufficient to procure great numbers of names among the landed people, and would be too bare-faced an avowal of their motives, they have pretended the expulsion or non-reception of Mr. Wilkes, as the cause of desiring the dissolution of the parliament; asserting, that the freedom of election has been violated by the present House of Commons in that affair. This has induced many landed people to sign petitions, and more of the lower sort, who (from the causes I have before mentioned) are uneasy in their present circumstances, and hope a change of men may procure them some advantage.

If the House of Commons is the only part the people have in the legislature, it is certain it should have all the power and independency that the nature of its institution will permit; otherwise how could it defend the rights and interests of the Commons against the power of the crown and nobility? it must then have a power of punishing (so far as expulsion) any of
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its own members, when their behaviour has given occasion of scandal *. The courts of law expell an unworthy lawyer from the bar; the spiritual court degrades (i. e. expells) an unworthy clergyman; and shall the great assembly

of the Commons of Great Britain not have the same jurisdiction? It will be said, in answer,

we allow the expulsion; but we complain, that

Mr. Wilkes was not admitted when *re-chosen* by a majority of voters in Middlesex. That is

to say, it is a grievance, if the majority of the voters in Middlesex cannot in effect over-rule

the resolutions of the House of Commons; for

to expell a member one day, and to be obliged

to receive him the next, would be allowing

the superiority on their side; it is the voters

saying, " We chuse representatives to make

laws for us, and they shall have seats, let

their morals and behaviour be what they

will: it is true, this may lower the dignity

of the House of Commons, but what is that

to us, if compared to our own importance as

electors of Middlesex? "

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* The power of expulsion on just causes, is not only advantageous to the House of Commons, but also to the Constituents, since it is the only means (except a dissolution) by which they can get quit of a representative, whose conduct should alter from what it was, when he was elected.

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soever.*

Some have objected, that in the expulsion of Mr. Wilkes, certain words were left out, declaring him incapable of being re-chosen. But to harp upon words (except such as the common law has specified, and which have no application here) is puerile, especially where the reason and nature of things is against us: besides the words alluded to, were entirely unnecessary after the second return and expulsion of Mr. Wilkes.

The Middlesex petition seems to confirm what I have said, in regard to the traders endeavours to procure a new parliament, that shall declare the colonists independant of the British parliament, (at least as to taxes). I have read of an artful minister, who, in his dispatches, used sometimes to mention the principal business in the postscript, that it might seem not to have occurred to his memory, till just as he was closing the packet. The Middlesex petition has exactly that appearance, after enumerating and exaggerating every trifling pretence for uneasiness to inflame the *landed people*, it mentions in *the last article*, that “ evil counsellors have
“ occasioned to our suffering fellow-subjects in
“ America, grievances and apprehensions simi-
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“lar to those we complain of at home!” The conciseness of that article was very necessary; had it been fully explained, it is very probable the petition would not have had near the number of subscribers it has at present.

N. B. To prevent sinister interpretations of my meaning, I think it necessary to declare, that when I mention the merchants, traders, colonists, &c. I mean the violent leaders and chief agents. In every party there are great numbers who know little of the matter, and only follow what the chiefs propose, and are consequently innocent of any ill design. I do not suppose merchants and traders in general to be indifferent to the good of their country, nor all colonists to be independants in government; but in order to be understood, without circumlocution, I must make use of the common terms.

As I am now come to the affairs of the colonies, it is incumbent on me (after what I have said) to shew my opinion of their claims to independancy, with what I take to be their real situation. So much has been said already upon the subject both Pro and Con, that it
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will be difficult to produce any thing new : but perhaps it may be considered in a different light by one who is of no party, but that of the publick ; who does not know any of our prime ministers for these ten years past, not so much as by sight ; and who looks on every British and American shoe-boy, or charity-child, as his fellow citizen, whose assistance he or his posterity may one day stand in need of.

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THE colonists found their arguments, not on the letter of the law, but (as they say) on the spirit of our constitution. They alledge, that having particular charters to hold assemblies, they owe no obedience to the British parliament in point of taxes, because they are not represented there. They acknowledge the King *personally*, but seem to have little regard to him as the executive power of Great Britain. They allow, that Great Britain has been so generous as to spend an infinite quantity of blood and treasure, to procure them secure settlements in America, and to supply them with great numbers of its useful and industrious families; in return for which, the colonists have taken such manufactures from Great Britain, as they wanted, *out of pure good will*; but now some of them will take no more, unless Great Britain allows them independent of the British parliament, in a most essential point; and submits to take the whole national debt on herself.

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In answer to these pretensions, let us consider on what footing the colonists hold their lands,—on the same with us who live in Great Britain; we all hold them from the crown. Was Hengist then proprietor of all the lands he governed in England? no, but they were put into his hands to be divided among his people in such manner, as should best suit their manners, customs, situation and interest. They had conquered a country; they were to keep it by arms. Every Saxon had a certain share of land, and was to take arms when ordered; and officers were appointed in each district to assemble and command them: over these inferior officers, other of greater dignity was placed, and all were subordinate to the King, who was commander in chief. The lands were then in fact the pay of the army: if a Saxon misbehaved as a soldier, he had no right to his land; he was dismissed, and the land given to another (probably his son if he had one), who would do his duty better: the holding lands of the King then, was on condition of fidelity and obedience for the service of the public. Every certain portion of land was to furnish a soldier. When a landholder died without heirs, the land reverted to the crown, not for the benefit of

the King's privy purse, but in order to bestow it on some other who should do the service; that the public strength might not be diminished. It is also highly probable, that the Saxons, having more land than they could cultivate, allowed the Britons (who had submitted and became their subjects) to hold lands under the condition of rent or foccage, though they would not immediately admit them to the use of arms: and when their empire was firmly settled, and they had less occasion for soldiers, it is likely they gave lands in foccage to the Saxons families as they encreased: but the condition of all land-tenures was fidelity and obedience to the state.

Whatever British subject holds lands of the King, then holds them for the benefit of the British publick in the first place: in the second place, he holds them according to the political situation of the country in which the said lands lie. The Irish are British subjects; they keep a number of troops, and have settled certain revenues at the disposal of the crown; no more is required but on extraordinary occasions. But the British legislature extends itself to Ireland, when it sees cause. Ireland itself is then

then dependant on Great Britain. The persons indeed of the natives are free; they share the same liberty and privileges with those of Great Britain; but their landed possessions and trade must follow the political state of the country, that is, dependance on the superior power.

The chief view of Great Britain in establishing colonies in North America was, to promote trade with the Indians; and to furnish us with several articles of commerce which America produces. The extension of dominion (farther than might be necessary for the planter and merchant) was not the national scheme: the colonists have partly inverted this design, by extending their settlements; and begin to talk as states distinct and independant; for, according to their language, dependance is slavery.

If dependance in politicks is slavery, there can hardly be any liberty in the world: even the Great Turk, absolute as he is, must depend on something. In all commonwealths, the decision of affairs depends on the majority; in every family somebody must direct, and others obey; in the British empire some
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power must lead, and the rest of the nation follow. If the law of nations allows men to treat a conquered country as they please, (consistent with humanity and justice) the right of original property, the creation of a colony, and the supplying it with people, must give a much better title to jurisdiction and superiority. The independency affected by the Americans, is what our old laws would give a very bad name to; the parliament will tell us what to call it *now*.

The arguments of the Americans run generally on the false position, that their American institutions and possessions give to their assemblies *alone* the right of granting or refusing supplies in those countries, *for the service of the state*, which right the British parliament enjoys in Great Britain. To grant money for *the publick service of the colony*, seems the extent of the assemblies authority. To grant money for *the publick service of the British empire at large*, is the right of the British parliament. 'Tis hardly in the nature of things, that fifteen or twenty independant assemblies, in different latitudes, and at great distances, should ever agree in one measure of government,

ment, and if they were not unanimous, what must be done with those who dissented?--- such a society could hardly subsist a twelve-month.

If the reason of things then requires, that one power should preside, and the rest obey, it will follow, that neither the Americans, nor Irish, should have votes in the British parliament. All dependencies have some peculiar interests of their own, which the British parliament, as the common moderator, must regulate in the best manner possible for the good of the whole: the interest of one dependency must sometimes interfere with that of another; if they had each votes in parliament, they would be both parties and judges; which is against reason and order.

But, say the colonists, what security have we that the British Parliament will not at some time or other oppress us, who live at such a distance, and are not personally known in England?---In answer, it may be said, that when greater burthens are laid on the colonists, (all circumstances considered) than on their fellow subjects at home, it will be no secret; nor
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will it be the interest of the publick so to do, whilst you act as faithful subjects; nor can you have better security in the nature of things, than that a parliament, which should unjustly attack your liberty, would give immediate apprehensions to your fellow subjects at home. Besides, the amount of the taxes may be fixed in proportion to what is paid at home, and the manner of raising it be left to the colonists under certain restrictions; but it is not the mode of taxation that the colonists complain of, it is the right itself they contest.

According to their notions, Great Britain may provide and protect establishments of her subjects in foreign parts, for the *advantage of the said subjects personally*, but cannot make any foreign settlement for her *own advantage*, nor extend her jurisdiction beyond the limits of the island of Great Britain.

Our old original laws, indeed, were calculated for England, which was all the land we then possessed: as our dominions encreased, our law was extended in like manner into Ireland and Wales. When we had establishments in more southern latitudes, the same

same law continued, and still continues in force; with such additions and variations, as the different climates, remoteness from the seat of government, and the peculiar situation of the colonists, (with regard to their Indian, or other neighbours) required, for the publick good. These alterations arose necessarily from the nature of things, and were intended for the benefit of the colonists, on the supposition, that they were true and loyal subjects of Great Britain.

They are now on as secure a footing, as the subjects who dwell in England: what injustice is there then in subjecting them now to *proportionate taxes*, with the rest of their fellow subjects? The *injustice*, indeed, would be to all the British subjects at home, if the *Americans* were suffered to remain *untaxed*; since 'tis those at home, who must make up the deficiency of the Americans.

When I say *proportionate taxes*, I do not mean the *same*: there is a wide difference, not only in the produce of our several colonies, but also a very great one in the expence of culture: so that an indiscriminate tax, of so

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much

much per cent. on their produce in general, would not be just. Regard must also be had to the healthiness, or unhealthiness of the country, and the dearth or cheapness of the necessaries of life. As many people in England do not know these differences in our colonies, it may not be amiss to give a sketch of them; for the climates they are situated in, necessarily occasion some variety in the manners and interests of the inhabitants.

Nova Scotia, New England, (including the governments of New Hampshire, Massachusetts Bay, Connecticut, and Rhode Island) New York, New Jersey, and Pennsylvania, are all healthy countries. Their chief produce is corn, cattle, fish, and flax seed; provisions are therefore plenty: the people marry young, and increase fast: as the white people can work in the fields here, they have not occasion for many negroes; they are consequently stronger in white people than the provinces farther south.

Maryland and Virginia produce chiefly tobacco, and are pretty healthy; but as most of their field-labour is done by negroes, they are not

not so populous as the more northern colonies, though they rather encrease in white people than diminish, and provision is not dear.

The two Carolinas, Georgia, and Florida, being still more to the south, are unhealthy; the white people (taking the whole together) do not encrease: their produce of rice and indigo is more valuable than any other on that continent. The field-labour in these colonies is generally done by negroes.

All these colonies besides produce timber, masts, tar, pitch, &c. with some mines of iron and copper.

In the West-Indies our Islands produce sugar, rum, cotton, coffee, and other valuable articles: the field-labour there is totally done by negroes: the climate in general unhealthy; the white people being subject to violent inflammatory disorders, which are often epidemical: were it not for the frequent supply they receive from Great Britain, Ireland, and the northern colonies, it is probable the white people would be extinct in a century or two: provision and cloathing are very dear; and they

are at great expence in building houses, mills, &c. which are often thrown down by floods or hurricanes.

From this sketch it appears, that the strength of our colonies lies northward, and the riches to the southward: the produce of the northern colonies is more sure, and collected with little expence; that of the south more precarious, and raised at a great one; for the negroes, especially in the West-Indies, always decrease (as may be known by the constant importation of slaves from the coast of Africa,) and the wages to indentured servants must be in proportion to the expence of feeding and cloathing them, and also to the unhealthiness of the climate.

This diversity of climates and circumstances occasion a difference of education and manners. Those to the north live chiefly on their own grounds, the produce of which they send to the merchants for exportation. As they commonly have large families, and their produce not being very valuable, few can afford to give their children a liberal education; after a short schooling, they put them either into a mercantile way, or upon a piece of land (mostly uncultivated)

uncultivated). As they have little distinction among them, except what arises from wealth, learning and politeness of manners must not be expected: they are very quick in discerning what regards their own particular interest, by which criterion they judge of public measures. Being mostly freeholders, and their elections frequent, they think themselves of great importance; and generally suspect that their governors, and people in power, enrich themselves clandestinely out of the publick money: in their elections of assembly-men, it is not the *sensible and honest man*, who succeeds by telling them candidly the *truth* (perhaps against their pecuniary interest), it is the violent, noisy candidate, who flatters their prejudices, and abuses the governor, that carries the day. From hence the character of a gentleman is rare to be met with in these provinces; those who really are such, living mostly retired; except perhaps in towns, where they find some of their own way of thinking: at present a real gentleman (in which title that of a good British citizen is included) must either hold his tongue, or speak his sentiments at the risk of being insulted.

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In Maryland and Virginia, the produce being richer, and the families in general not so large, the planters can afford to give their children a better education, and several are sent for that purpose to Great Britain : but they return back too soon (which indeed is the common fault in the education of our young colonists) yet what they do acquire in England, gives them a superiority over those who never were out of America. From hence, the gentry have more influence in these provinces, than in those to the north ; but the power they have over their negroes, gives them a certain haughtiness which makes them sometimes forget their state of British subjects and colonists : and the revenue arising to Great Britain by the duty on tobacco, augments their opinion of their own consequence ; as they have more white people than any of the other colonies *where negroes are chiefly employed*, they are the more secure ; which probably encouraged the Virginians to talk of Great Britain as their *sister state*.

The two Carolinas and Georgia are in much the same situation, except that the country being less healthy, they have fewer white people, and are, consequently, less secure from the
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insurrection of their slaves. They have also more Indians at the back of their settlements; they lie nearer the Spaniards; and in general cannot flatter themselves as to their safety, but by the assistance of Great Britain and the neighbouring colonies.

The colonists in our sugar islands, as their families are seldom large, and their produce rich, generally send their children to England for education; when their fortunes enable them to have the best masters, and to keep what company they please, their manners are consequently more elegant, and their thoughts less confined. The command they have over their slaves, and the revenues arising from the duty on sugar, gives them high notions of their own importance. The severe discipline they keep over their negroes, and perhaps the climate makes them violent in their resolutions and in party matters: at the same time they know they have no other security for their possessions but the protection of Great Britain; being surrounded by French and Spanish territories, and that the slaves on their own lands exceed them in number, as ten is to one. It is the terror of the European strength, which keeps the slaves from rising;

rising; we see they now and then attempt it, even though they know there is such assistance in reserve; what would they not do, if the colonists were independant, and had no other defence than their own persons?

I think, there is another obvious difference in our colonists: those who reside in unwholesome and disagreeable climates, and in the midst of slaves, remain only to make fortunes: they look upon their stay there as a preparative to their living with more affluence in Great Britain, or Ireland, which they consider as *home*: in this state (generally speaking) are our colonists of the West Indian islands, Georgia and the Carolinas.

From Virginia northward, the continent is healthy, and not disagreeable to those who are natives: the colonists there live in more affluence than they could in Great Britain; they are not apprehensive *now* of the French, nor Indians; and consider their plantations as their *home*, and the people of Great Britain as a check upon them, who limit their trade in favour of the good of the whole, of which the common people have little conception.

All

All the colonists are necessarily connected with merchants, because their wealth depends chiefly on the exportation of their produce. It is the merchant's interest, that his customers should be rich enough to pay him, and he is apprehensive that if tumults arise in America, he may lose what is now due to him there, and therefore wishes the Americans were satisfied. But should the parliament give way to the pretensions of the Americans, it seems likely, that the strength and dignity of Great Britain, her trade and colonies, would all go to ruin; for, First, the national credit would be immediately affected, as then Great Britain *alone* would become responsible for the national debt. Our estimation among all the European powers would sink of course; the colonists (who have all necessaries for shipping) would presently interfere with our trade; for if they are independant in one point, why not in another? The revenue of the customs at home would lessen, which deficiency must be made up by taxes; this would raise the price of our manufactures too high for the markets; the manufacturers being unemployed would run to America, and the revenue of excise diminish of course; what then must become of the trade of Great Britain?

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Secondly,

Secondly, The colonists themselves would not long enjoy their independance. Would they, to avoid disagreements, form themselves into a kingdom on the continent? It would be too large for the British constitution, which would not suit so extensive a territory *. The inhabitants of Nova Scotia and Florida could hardly attend their parliament, which we will suppose assembled in some central place; nothing but an absolute government would naturally suit so large a dominion. To avoid this evil, would they form a fœderative republick like the Dutch or Swiss? The nature of things is against them. The Dutch and Swiss republicks subsist because they are small, and their interests, produce, and situation, nearly the same. The continent of North America is extended from North East to South West, so that almost every province differs from its neighbour in its productions and interests. The strength of such a state would be at one end, and the riches at the other. The four New England governments indeed are pretty much alike, and would probably take the lead as being the strongest; how far they would make the Southern and more rich provinces pay for their

* Vide Montesquieu.

their protection, is not very easy to foresee; but that none would be contented is highly probable. There would be immediate cause of quarrel, and the weaker party in the end would naturally call in the French or Spaniards to their assistance, (for they could hardly have the assurance to apply to Great Britain). Both French and Spaniards would gladly contribute to embroil the Americans, who (from their situation) are dangerous neighbours to Hispaniola, Cuba, and their other dominions in the West Indies.

It will be answered, that the North Americans have no such views. I believe the generality have not; but things seem to tend very much that way. The King appoints governors whom the colonists so little regard, that the assemblies of different colonies communicate their resolutions to each other, not only without the governor's consent, but against it, which looks extremely like a confederacy. Our parliament does not entrench so far on the executive power. If a law passes, or our parliament comes to any resolutions that the North Americans do not approve of, the importation of British manufactures is prohibited; I will not

suppose by connivance of the assembly, but have the assemblies discountenanced these proceedings? Have they done any thing to suppress them? What do the Americans contend for? Only the enjoyment of all advantages of British subjects, for which they will contribute to the publick treasury *what they please*, and Great Britain to pay the rest. Suppose this is not granted, what will the assemblies do next?

The only reasonable hope the North Americans can have of preserving the British constitution with peace and safety, is their dependance on Great Britain, which is the natural umpire when any differences arise between the colonies: take away that resort, and every colony must decide its disputes by the sword. Their division into provinces at present makes every colony a little state of itself; the governor and assembly of each can examine minutely into the condition, and attend to the improvement, of the particular district they are charged with; which could not be done so well if there was only one magistrate and one assembly for the whole.

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In another light the North Americans have no enemy to fear but from Europe: whilst they depend on Great Britain, they are sure of being presently informed of any danger that threatens them from that quarter; and not only informed, but assisted by the most effectual help in such circumstances, *viz.* a fleet of men of war. The case would be very different if Great Britain was against them. It is true, a time in all likelihood will come, when the colonies in North America shall exceed Great Britain in strength, and consequently have the less occasion for her: it is also likely that in time America will make her own manufactures, and consequently our intercourse will lessen, and perhaps a separation take place by consent, when the national debt is discharged, and when the European and American Britons can be no longer of service to each other, but as friends and allies.

At present the advantage of settling on land in America is greater than in following manufactures. If a manufacturer gets two or three hundred pounds there, he buys a tract of uncultivated land, a part of which, in a few years, produces all the necessaries of life: he
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brings up his sons to be farmers, who cultivate the rest. Whilst the advantage of agriculture exceeds that of manufactures, the people will naturally run into that method of life, and consequently purchase goods from England. But when America is fully peopled, the price of land will encrease: the farther the colonists extend themselves from the sea and great rivers, the dearer our manufactures must come to them, on account of land-carriage: they will then run into manufactures. A linnen-manufactory was set up at Boston many years ago, they had people from Ireland to carry it on; but from the reason already given, the manufacturers soon quitted it, and it came to nothing. There are indeed some German manufacturers at Philadelphia who work, because being poor, they gain thereby an immediate support for themselves and families: but as soon as they are able to purchase land, they will probably do as others have done before them.

The excesses the North Americans have run into, their boasts of unanimity among themselves, of their resolutions of resistance, and of their strength, are so many bug-bears to frighten people

people here. In all the colonies where they have many negroes, they can spare but few men out of the country, (as may be known by the small number of provincial troops they furnished in last war). In New England indeed they are populous; and might perhaps for a few days keep a mob of several thousands together; but as those of the best heads and hearts would not join, the rabble would presently disperse; the factious leaders could have no confidence in the men, nor the men in their leaders. New York, New Jersey, and Pennsylvania, are in much the same disposition, but far inferior in strength; their hallowing liberty, and insulting the government, when no force appears against them, is nothing. They are sensible, that the British troops can bear fatigue, even in those countries, much better than themselves, and that their extensive coast is liable to descents in many more places than they could occupy; they therefore endeavour to weaken us by fomenting disturbances at home, and (*to use their own phrase,*) try to *compell the mother country by her distresses to do them justice* (as they call it).

It is in vain, that the North Americans attempt to shelter their selfish and ambitious
designs

designs under the cover of the British constitution, confounding the principal and accessory states together; reason and morality are against them. If a British subject, by going to America, has not lost any right that he possessed in Britain before he went to America; I say, if his right remains that he may exercise when he pleases, there is no injury done him. If by the means of Great Britain his possessions in America are rendered doubly valuable in point of security, should that encrease set him free from the obedience which he owed to Britain originally, and which was the cause and condition of his possessing any lands at all in America? To bring the spirit of the constitution against the general established law, is upsetting all order and government. It is the spirit of the constitution, that all British subjects should be free; yet they are often imprisoned, not only for debts or crimes of their own, but also to be produced as witnesses on the trial of others, when they cannot give security for their appearance: freedom is taken away on these occasions from particular people through necessity for the publick good. To expect perfection in human institutions is absurd: the highest point that we know in legislation is,

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salus populi suprema lex esto. We must endeavour to keep to it as near as human infirmity will permit. The charters on which the colonists found their pretensions, are merely acts of the crown intended for the benefit of order in the colonies. The crown could fix and limit its own rights and claims as sovereign of the soil, but could not exempt the colonists from the obedience they owed to the British legislature: if they have retained and claimed the right of British subjects from their first settlement to this time, it is plain they did not look upon themselves as aliens. In all distresses they have applied to Great Britain as citizens, and have been protected as such; their charters then must be understood as consistent with their condition of citizens, and not as repugnant to it.

Would the colonists have crossed the sea to form a settlement in America, if their quality of British citizens had not been their protection? Or supposing one formed, would it have subsisted ten years on any other footing than that of belonging to England? The colonists intent was to mend their fortunes, (except perhaps a very few Enthusiasts about Boston)

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and the intent of England was to protect and encourage them for the good of the whole: no doubt was then made of their allegiance, nor of Great Britain's being concerned in their interest and safety as of all other citizens.

Their distance from the courts of law in England, made it very convenient for the new settlers to have a judicial power to determine differences among themselves, and to punish crimes; a power was also wanted to unite the strength of the colony for their defence, to raise money among themselves as their (provincial) occasions should require, and to make such laws and regulations as their situation might stand in need of, *subject however to the controul of England*; in consequence they obtained charters for these purposes.

At this time they were exposed to the French and Indians; their possessions were insecure: England was but little if at all in debt: it would then have been unjust to have laid taxes on the colonists, because their produce was precarious, and they were obliged to employ part of their time and strength in watching the motions of their formidable neighbours.

neighbours. England was then so far from taxing them, that it encouraged more people to go over, which it would never have done, but on the supposition, that they were to be as much English subjects on one side of the sea, as on the other.

By the last war, the northern colonists are freed from the difficulties they laboured under; their estates are doubled and tripled in value and security: the reasons of exempting them from taxes, no longer exist: the expence of the wars which produced these happy events to the Americans, is charged to the publick. There can be no doubt then in equity, that they should now bear a proportionate part in the payment of the debt, since they have more than a proportionate part of the benefit.

To suppose, that England intended to lay all burthens on one part of her subjects, and to give the other part all advantages perpetually, is absurd. But some colonists carry it farther still, not only asserting that their charters exempt them from the legislative authority of Great Britain, but also paying little regard to the crown, which they very easily see insulted,

when its orders are not just to their mind, If this behaviour arises in consequence of their charters, it seems high time to annul or amend them.

There cannot be two *equal* legislatures in any state; there may indeed be *one supreme*, and *others* inferior. The charters of some cities give the corporations authority to enact bye-laws for the maintainance of order, and for making improvements in their own districts; but this authority does by no means exempt them from the jurisdiction of parliament, nor of the common law of the land, if their bye-laws are lucrative, oppressive, and contrary to the common good.

It is the essential quality of a province to depend on that state which formed and supported it. I speak of the word *province* in its true sense, for it sometimes signifies only a division of the same country: as France is divided into provinces, and the Netherlands also. From this ambiguity our colonists in several of their writings suppose themselves to be in much the same situation as the Flemish provinces were under the kings of Spain; but their

their case is totally different: the Netherlands belonged to Charles V. as heir to the dukes of Burgundy; and though he became afterwards king of Spain, yet the provinces in the Netherlands depended no more on Spain, than Hanover does on Britain; the inhabitants were Flemings and not Spaniards. For a province formed entirely from subjects of the state to pretend to equality, seems a sort of civil mutiny: it is to be hoped that our colonists have run into these excesses rather from error in judgment, than from a design to withdraw their allegiance; a short time will shew their intentions.

It seems in the present situation of affairs, that either the rights and dignity of Great Britain, and the good of the whole, must be submitted to the apparent (but not real) interest of the colonies; or the colonies must acknowledge the legislative supremacy of Great Britain, and contribute their proportion to the good of the whole; or a rupture must ensue.

To grant the Americans an exemption from taxes, would (besides the dishonour) in all likelihood bring on a dilemma from which
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we could hardly extricate ourselves. In general men chuse to reside in the places they were bred, but when young will go to distant countries, in hopes of mending their fortunes: among the numbers already gone to America, most of our common people in the maritime counties have some acquaintance, perhaps relations, who tell them fine stories (true or false) which at least make the thoughts of going thither less disagreeable than formerly: if to this is added an exemption from parliamentary taxes, we may reasonably expect that greater emigrations will follow; what will the parliament do then? To let our people go, depopulates the country; to keep them here by compulsion, would diminish the liberty of the subject.

Supposing the Americans acknowledge their dependance, and pay their proportion, yet by their own accounts they encrease fast, and we have certainly no subjects to spare. Our trade to the East and West Indies consume many seamen every year.

By the concurring testimony of others, as well as my own observation, England is thinner of inhabitants now, than it was five and thirty years ago. (Humanly speaking), it is the
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the strength of the country people that we must depend upon for our defence, and annoying our enemies, (for artizans, and inhabitants of towns, do not make so good soldiers). I do not mention seamen, because it is a business to which if people are not bred in their youth, they very seldom become masters of.

It is, then, of the utmost importance to Great Britain, that her useful subjects should be more strongly attached to their country; and there is no other method to effectuate this, but the procuring them more agreeable means of subsisting at home.

These means are plain, and in our power, viz. the dividing land into more small farms, with such regulations as may tend to make our people in general more virtuous, more sensible of the goodness of our constitution, and, consequently, more attached to their country. Where people are distressed, they find fault very often in the wrong place: but the great lines of reformation may be drawn out, which will of course annihilate many oppressive practices, and it is to be hoped, in the end
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may bring about that desirable conjunction of morals, power, and wealth, which constitute the publick happiness.

In the following part such points as seem most conducive to that end, in our present circumstances, shall be mentioned.

PART

P A R T III.

THE firmness of the present parliament in supporting the dignity of Great Britain (in its last session) against the colony and mercantile interest, encourages us to hope it will shew the same spirit in correcting the abuses of the landed.

It has been observed that all lands are held, or were originally intended to be held by the possessors, for the good of the whole. Land is indeed property, but not of the same nature with money or moveables, which may be given, sold, pledged, or transferred to foreigners without much hurt to any, but the owner himself; but land which is to furnish subjects to the state, is, and was meant to be held only on such terms as should be advantageous (or certainly not prejudicial) to the publick. Whoever then enjoys any land in Great Britain, ought to dispose of it in such a manner as may not diminish the number of families thereon: it is also his duty, as a good citizen, to promote morality among his tenants, so far as his influence may

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extend. It will from hence follow, that no person should possess more land than he could superintend; and that a restriction should be made to prevent its accumulating in few hands. Whether there is any such law in being I know not; but certain it is, that there are several great estates which the owners hardly ever see, residing upon others still greater or more agreeable. It is also certain, that within these thirty years, by the custom of throwing several small farms into one great one, the inhabitants of the country are considerably diminished; that many of these little quondam farmers, with their families, are fled to North America; and that others with their children are become servants and labourers to the great farmers, in which situation they marry late, if at all.

It is a maxim of Montesquieu's, that wherever two people can live conveniently, a marriage takes place: the small farms, and cottages on commons (now enclosed) were formerly such conveniencies to the poor. The want of them does not abate their passions, but as they cannot well marry privately, nor see any likelihood of a settlement for a long time, they often take each others word for the present, in
 hopes,

hopes, that no child may discover their connection: miscarriage is the next hope, and perhaps murder the consequence.

If the making great farms has been the occasion of these evils, it seems just, that, besides the usual taxes, an additional one should be laid on farms which exceeded ——— a year, and greater still on those which exceeded ——— pounds a year, the tax encreasing till it became in effect a prohibition; allowing however a reasonable time to the landlord for making the alterations and expiration of leases; by these means, it would become the interest of the landlord to divide his great farms into lesser, and consequently occasion more people to live in the country.

A good project.

Nor would this be a real grievance to the landlord; for though he may flatter himself, that the few men his parish can produce, will never be wanted for the publick defence; yet if the same opinion prevails in all other parishes, it is certain that the state would become so weak as not to be able to defend the landlords, nor itself: what he lost then

in point of rent, he would gain in point of security *.

I have mentioned also the benefit which accrued to the common people in the country, both in regard to morals and assistance, from a number of freeholders residing among them. There is at present a certain discouragement from the purchasing small freeholds; viz. that the writings often carry away half a year's rent, or more; and, when this is done, not one freeholder in twenty knows his tenure precisely, but supposes, (on his lawyer's assurance)

* 'Tis likely that the landlord would be also benefitted by the reduction of the poor's rate; for where a common labourer rents a few acres, sufficient to keep a cow or two, that family seldom comes to the parish: the man works abroad when he can get employment, and, when he is not hired by others, he still gets something by labouring in his own ground: his wife raises pigs and poultry, and makes the children assist in the garden and dairy, which brings them up to industry. Labourers in this situation generally pique themselves on their not being burthensome to the parish. Where a labourer has no ground, he gets money only when people chuse to employ him, consequently his and his family's subsistence must be uncertain: his children cannot help, having no materials to work upon; and it is well if they only acquire a habit of idleness: a fit of sickness throws the whole family upon the parish at once. If the poor's rates are by these means encreased to a certain degree, the landlord does not gain really by throwing several little tenements, with five or six acres apiece, into one farm,

rance) that a certain quantity of parchments delivered to him, do contain a good title. I do not mean to deprive the lawyer of his fees, but it is to be wished, that a plain simple form *N.B.* of conveyance was directed by authority, and that a register of deeds was instituted in every *N.B.* county of Great Britain, as it is already in some of them. The old pretence of danger to liberty *N.B.* by letting the government know every man's circumstances, seems too far fetched, and is certainly not the true objection; because people may hide what value they please in the publick funds under other names, or in foreign banks, or in the hands of merchants. What advantage could a corrupt ministry gain by the knowledge of every one's lands? a man's integrity is not to be measured by his acres. The advantage on the side of the publick is manifest, viz. *N.B.* to render landed possessions secure, and to save the honest and well-meaning subject from the artifices of knaves.

It might be a very great inducement for people to live in the country, if the game-act (and fish-act) was upon a different footing: the lords of manors are rather conservators of the game, than proprietors: they may take
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what they want, and give it away, but must not sell it: every man who has 100*l. per annum* partakes the game with them. This has made a division among the people, and is the source of numberless disagreements between gentlemen in the country. Suppose none (except the lord of the manor, or persons authorized by him) were allowed to shoot black game, grouse, partridges, hares, pheasants or quails, unless they took out a government licence for it; these licences to be personal, and to last only for one season, (that is, from September to February) and to extend no farther than—miles round the dwelling of the possessor, and to be entered in the parish books; the sum paid for them to be so high as to prevent any one's making use of them for profit. The lords of manors by such a regulation would lose nothing but the right of going into other people's manors, in return for which no others (as on the present footing of qualification) could come into theirs, except those who took out licences: it is likely, the game would rather encrease than diminish by such an alteration, it would certainly be an augmentation of the revenue; but what appears of most consequence, is, that it would probably reconcile

cile the bulk of the people to the want of a privilege which they see others enjoy, (since they might have it themselves if they thought it worth paying for) and take away the present *offensive distinction* of subjects qualified and unqualified.

These reflections do not proceed from a levelling principle: a certain gradation of conditions is necessary to make a people flourishing and happy: the bulk of mankind must labour for their living, in which situation they have little time for reflection: the few who have an assured subsistence should employ part of their time in thinking for the benefit of those who have not time to think for themselves: those whose affluence is still greater, and can afford to keep higher company, have the opportunity of greater improvement, by conversing with peers and members of parliament; who are necessarily acquainted with the general state of affairs: now as each of these conditions converses with the condition immediately preceeding and following itself, and the lower naturally imitates and is instructed by the higher, a sort of connection is formed from the peer to the peasant, and immorality is of course discountenanced,

what they want, and give it away, but must not sell it: every man who has 100*l. per annum* partakes the game with them. This has made a division among the people, and is the source of numberless disagreements between gentlemen in the country. Suppose none (except the lord of the manor, or persons authorized by him) were allowed to shoot black game, grouse, partridges, hares, pheasants or quails, unless they took out a government licence for it; these licences to be personal, and to last only for one season, (that is, from September to February) and to extend no farther than—miles round the dwelling of the possessor, and to be entered in the parish books; the sum paid for them to be so high as to prevent any one's making use of them for profit. The lords of manors by such a regulation would lose nothing but the right of going into other people's manors, in return for which no others (as on the present footing of qualification) could come into theirs, except those who took out licences: it is likely, the game would rather encrease than diminish by such an alteration, it would certainly be an augmentation of the revenue; but what appears of most consequence, is, that it would probably reconcile

cile the bulk of the people to the want of a privilege which they see others enjoy, (since they might have it themselves if they thought it worth paying for) and take away the present *offensive distinction* of subjects qualified and unqualified.

These reflections do not proceed from a levelling principle: a certain gradation of conditions is necessary to make a people flourishing and happy: the bulk of mankind must labour for their living, in which situation they have little time for reflection: the few who have an assured subsistence should employ part of their time in thinking for the benefit of those who have not time to think for themselves: those whose affluence is still greater, and can afford to keep higher company, have the opportunity of greater improvement, by conversing with peers and members of parliament; who are necessarily acquainted with the general state of affairs: now as each of these conditions converses with the condition immediately preceeding and following itself, and the lower naturally imitates and is instructed by the higher, a sort of connection is formed from the peer to the peasant, and immorality is of course discountenanced,

tenanced, because how vicious soever men may be themselves, they will not willingly associate with people of infamous characters even among their equals, and still less with those who are their inferiors. But if the great man (peer or commoner) becomes by purchase or otherways the proprietor of all the lands round him, these intermediate degrees are lost, and consequently the common people have no opportunity of being enlightened in their understanding, nor rectified in regard to their moral conduct, nor assisted in distress.

May our peers have ample landed estates, to support their dignity ; (and whatever they can purchase in the publick funds, or in houses, to which no right of voting is annexed, &c.) but the unlimited possession of land is detrimental, and must occasion jealousies of their influencing elections some time or other : and these jealousies will be partly in proportion to their numbers, and extent of landed property.

Were the laws of our country to begin anew, one of the first would probably be an Agrarian law ; but as things are now settled, it
could

could not well take place without throwing many of our great families into confusion, and obliging them to sell at a disadvantage. What seems most prudent, is to prevent the evil's encreasing, by prohibiting the possessors of — pounds per annum from purchasing more; and by laying such additional taxes on great landed estates, after *some distant period*, that should make it the interest of the proprietors to part with their superfluities, in the same manner as was mentioned in respect to great farms.

Should the game-act ever produce a revenue, perhaps that revenue could not be better employed, than in forming a bank to purchase such parts of great estates, as the owners chose to part with; which might be sold again in small parcels to different people: this would by degrees reduce those over-grown estates, which are hurtful to the publick, and often to the possessors themselves, by giving them too high an opinion of their own consequence, and by leading them into parties. The earl of Warwick, in the days of Henry the VI. the earl of Desmond, in the time of Henry the VIII. and the late duke of Ormond, (besides

numberless others) owed their ruin to the greatness of their fortunes.

N.B.

But the most immediate increase of small farms might arise from the acts for enclosing commons, several of which are generally applied for every year: here, the parliament might grant the power of enclosing on such *conditions* as should multiply small settlements in most parts of England.

F I N I S.



